

XAVIER BECERRA
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State of California
DEPARTMENT OF JUSTICE



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February 27, 2019

Mr. Anthony Fisher
MuckRock News
Dept MR 68681
411A Highland Avenue
Somerville, MA 02144-2516

RE: Public Records Act Request
Matter ID No. LA2019600326 / 2019-00319

Dear Mr. Fisher:

This letter is in response to your correspondence requesting "*The case file for "Daniel LARSEN, Petitioner-Appellee, v. John SOTO, Respondent-Appellant," case number "D.C. No. 2:08-cv-04610-CAS-SS."*

- *This includes all records held by the Attorney General's office that pertain to Larsen v. Soto. (case number D.C. No. 2:08-cv-04610-CAS-SS).*

- *Records include internal memoranda, talking points, inter- and intra-office correspondence, exhibits, videos, witness testimonies, and any other document concerning this case. Please limit this request to documents dated between January 1, 2010 to December 31, 2013" under the Public Records Act, which is contained in Government Code sections 6250 et seq.*

We have located records responsive to your request and can provide you non-exempt records. We decline to provide any records that are exempt from disclosure.

The attorney work product exception protects the confidentiality of any writing that reflects an attorney's impressions, conclusions, opinions, legal research or legal theories that is maintained as confidential. (Code Civ. Proc. section 2018.030.) This confidentiality provision is incorporated into the Public Records Act as an exemption from disclosure. (Gov. Code, section 6254, subd. (k); *County of Los Angeles v. Superior Court* (2000) 82 Cal.App.4th 819, 833.)

Records such as confidential analyses, draft language and memoranda prepared by the attorneys employed with the Attorney General's Office are subject to the work product exception and are consequently exempt from disclosure under the Public Records Act.

Some of the records that you are seeking are exempt from disclosure pursuant to the attorney-client privilege. Confidentiality privileges set forth elsewhere in law, including the attorney-client privilege contained in Evidence Code section 954 which protects confidential communications between the attorney and the client, are expressly incorporated into the Public Records Act. (Gov. Code § 6254, subd. (k); *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.)

In the present case, the attorneys in our department provide legal advice to the Attorney General and his designees. Accordingly, all communications between the Attorney General or his designees and the department's attorneys concerning legal strategy are confidential communications pursuant to the attorney-client privilege, and are exempt from disclosure under the Public Records Act.

The attorney work product exception protects the confidentiality of any writing that reflects an attorney's impressions, conclusions, opinions, legal research or legal theories that is maintained as confidential. (Code Civ. Proc. section 2018.030.) This confidentiality provision is incorporated into the Public Records Act as an exemption from disclosure. (Gov. Code, section 6254, subd. (k); *County of Los Angeles v. Superior Court* (2000) 82 Cal.App.4th 819, 833.)

Records such as confidential analyses, draft language and memoranda prepared by the attorneys employed with the Attorney General's Office are subject to the work product exception and are consequently exempt from disclosure under the Public Records Act.

We have five briefs, a Rule Violation Report and a Work Order For Court Reporter Services (redacted). The Department of Justice is authorized to charge the direct cost of duplication for providing copies of records in response to public records requests. (Gov. Code § 6253 subd. (b).) The cost for making a photocopy of a paper record is \$0.10 per page. The total page count to fulfill this request is 28 pages. Therefore, total cost of duplication is \$2.80. An additional charge of \$0.98 is due to pay the postage fee (via regular U.S. ground mail) for mailing the documents. The cost to you for these records is \$3.78. Please make the check payable to the California Department of Justice and send your check to:

California Department of Justice
Public Records Coordinator
1300 I Street, Suite 1760
Sacramento, CA 95814

In addition, we have copies of the publicly available pleadings in U.S Court of Appeals for the Ninth Circuit Case # 10-56118 and/or U.S District Court for the Central District of California Case # 2:08-cv-04610-CAS-SS. If you also want copies of these records as well, we will provide them to you at the same duplication rate of 10 cents per page, plus postage. Please clarify whether you re interested in these too.

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Upon receipt of payment, we will forward you the requested records. If we do not receive your payment within 20 days of this letter, we will consider the request for records withdrawn and the matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Cooper", with a stylized flourish at the end.

MATT COOPER
Senior Legal Analyst

For XAVIER BECERRA
Attorney General